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Attorneys for Plaintiffs and

Attorneys for Plaintiffs and Counter-Defendants

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA – RENO DIVISION**

UTHERVERSE, INC., a Nevada corporation,
BRIAN SHUSTER, an individual,

Plaintiffs,

V.

BRIAN QUINN, an individual; JOSHUA DENNE, and individual; BLOCKCHAIN FUNDING, INC. a Delaware corporation; BLOCKCHAIN ALLIANCE LLC, a Wyoming Limited Liability Company; MASTERNODE PARTNERS, LLC, a Wyoming Limited Liability Company; LYNNE MARTIN, an individual; NIYA HOLDINGS, LLC, a Nevada limited liability company; NIMA MOMAYEZ, an individual; and JEREMY ROMA, an individual.

Defendants.

AND RELATED COUNTERCOMPLAINT.

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Case No. 3:25-cv-00020-MMD-CSD

**UTHERVERSE, INC. AND BRIAN
SHUSTER'S EX PARTE MOTION TO
AMEND DISCOVERY PLAN AND
SCHEDULING ORDER DATES
PURSUANT TO LOCAL RULE 26-3**

[First Request]

Complaint Filed: January 10, 2025

Amended Counterclaim Filed: April 24, 2025

LOCAL RULE LR IA 6-1 STATEMENT

This is the first request for an extension of deadlines set forth in the scheduling order.

INTRODUCTION

Plaintiffs Utherverse, Inc. (“UI”) and Brian Shuster (“Shuster; collectively, “Plaintiffs”) hereby move ex parte for an order extending the dates in the Discovery Plan and Scheduling Order (Doc. 41; “Scheduling Order”). Good cause exists to grant this request because:

7 Plaintiffs have newly discovered evidence of egregious misconduct – including fraudulent
8 lien filings on dozens of patents – that warrants amending their Complaint to add a new defendant
9 and new causes of action. The deadline for amending pleadings and adding parties is July 29, 2025,
10 which is imminent. Absent an order amending the Scheduling Order dates, Plaintiffs would be
11 unable to meet and confer, draft, and file their motion to amend, and have it heard before this cutoff,
12 causing significant prejudice. Plaintiffs seek to amend the Complaint to add Nazanin “Naz” Namazi
13 as a defendant and to add new claims against the existing defendants (including at least claims for
14 slander of title, abuse of process, international interference with contract, and intentional interference
15 with prospective economic advantage) based on Defendants’ recently uncovered actions. As
16 detailed below, Plaintiffs acted diligently upon learning of these new facts and there is good cause
17 for the Court to grant the requested relief in order to permit the case to proceed on its merits.

18 Defendants' recent misconduct has continued via the filing fraudulent UCC-1 lien documents
19 in California and Nevada and at the United States Patent and Trademark Office ("USPTO"), well
20 beyond the April 4, 2025 date of the Scheduling Order. This recent misconduct revealed an
21 additional co-conspirator and causes of action that will require additional time to amend the
22 Complaint and conduct discovery. Defendants' fraudulently filed and recorded documents to create
23 additional predicate acts and claims that post-date the Scheduling Order.

24 Justice and orderly judicial administration weigh heavily in favor of extending the
25 Scheduling Order dates by at least 120 days to permit amendment of the pleadings and discovery.

BACKGROUND

A. Original Complaint and Claims

This action was initiated on January 10, 2025, when Plaintiffs filed their Complaint against

1 Defendant Brian Quinn and associated individuals and entities. The Complaint alleges a complex
 2 scheme of wrongful conduct, asserting claims for violation of the Racketeer Influenced and Corrupt
 3 Organizations Act (“RICO”), along with claims for fraud, breach of fiduciary duty, conversion, and
 4 other torts. In essence, Plaintiffs allege that Quinn and his co-defendants engaged in fraudulent and
 5 unlawful acts causing significant harm to Plaintiffs and their business.

6 Pursuant to the Court’s Scheduling Order, the parties have until July 29, 2025, to amend
 7 pleadings or add parties. Until recently, Plaintiffs had no reason to seek an amendment; however,
 8 the events unfolding this month have made clear that an amendment is not only justified but
 9 necessary to fully address Defendants’ misconduct, and that the current Scheduling Order does not
 10 provide sufficient time to prepare the case.

11 **B. Newly Discovered Fraudulent Liens**

12 On or about July 9, 2025, Plaintiffs discovered a lien had been recorded on behalf of
 13 defendant Niya Holdings, LLC (“Niya”) against 44 patents (the “Patents”) on which Shuster is an
 14 inventor. Declaration of Sherrie M. Flynn in Support of Ex Parte Application To Amend Discovery
 15 Plan and Scheduling Order Dates (“Flynn Dec.”) ¶¶ 4-5 and Ex. 1. The lien was discovered while
 16 due diligence was being conducted related to one of the Patents. Some of the Patents were owned in
 17 part by Shuster, but many of the Patents had been previously assigned to third parties, well before
 18 the filing of this action and before the events at issue in this action. *Id.*, ¶ 6. Prior to July 9, 2025, we
 19 had no notice of the lien, as it was not served on my office, the inventors, nor the current owners of
 20 the patents that had been previously assigned. *Id.*, ¶ 7.

21 Plaintiffs discovered that a non-party, Nazanin “Naz” Namazi (“Namazi”), apparently acting
 22 in concert with Defendant Brian Quinn (“Quinn”), filed fraudulent lien documents on behalf of
 23 defendant and cross-complainant Niya Holdings, LLC (“Niya”) in an apparent attempt to cloud or
 24 encumber Plaintiffs’ assets, as the “Correspondent Name” on the Patent Assignment Cover Sheet
 25 lists Namazi. Additionally, Namazi’s email address is listed as is the email address of defendant
 26 Brian Quinn. *Id.*, ¶ 8.

27 The lien is based on a Senior Secured Convertible Promissory Note (the “Note”), entered
 28 into on April 11, 2022, between Utherverse Digital, Inc. (“UDI”) and Niya. The Note grants a

1 security interest in favor of Niya in the tangible and intangible property of UDI only. It does not
 2 include any provision granting Niya a security interest or collateral in any patents owned in whole
 3 or in part by Shuster individually, or third parties. *Id.*, ¶ 9. Even a cursory review of the USPTO
 4 records would have revealed that the majority of patents were not owned by UDI. Thus, the recording
 5 of the lien against the 44 patents, most owned by third parties was made improperly and fraudulently,
 6 or at minimum, with willful disregard for the truth. *Id.*, ¶ 10.

7 Moreover, the Note recorded on behalf of Niya is no longer the operative agreement between
 8 the parties, as the Note has been amended twice. Thus, the security interest is based on an agreement
 9 that was no longer the operative agreement between the parties at the time of the recording of the
 10 lien with the USPTO. *Id.*, ¶ 11.

11 Placing liens on patents that are not owned by any party to the note purportedly creating the
 12 security interest interferences with Plaintiffs' prospective economic advantage and contracts.

13 On July 15, 2025, counsel for Plaintiffs contacted opposing counsel, Maximillien Fetaz
 14 ("Fetaz"), and then followed up with an email, demanding that the improper lien be immediately
 15 removed from the Patents, and requesting a response by the close of business on July 18, 2025. *Id.*,
 16 and ¶ 13, Ex. 2. On July 16, 2025, Plaintiffs' counsel also discovered that UCC-1 statements had
 17 been filed in California and Nevada on behalf of Niya. *Id.*, ¶ 14, Exs. 3 & 4.

18 On July 16, 2025, Plaintiffs' counsel again contacted opposing counsel, and demanded that
 19 the improper UCC-1 liens filed in California and Nevada be removed, and again requested a response
 20 from opposing counsel by close of business on July 18, 2025. *Id.*, ¶ 15, Ex. 5. On July 18, 2025,
 21 Plaintiffs' counsel received a response from opposing counsel indicating that he was still reviewing
 22 the requests with his client, and he would respond the following week. *Id.*, ¶ 16, Ex. 6.

23 Due to the critical nature of the liens recorded, on July 21, 2025, Plaintiffs' counsel filed a
 24 petition with the USPTO to remove the liens. *Id.*, ¶ 17, Ex. 7. The USPTO has not yet ruled on the
 25 petition. *Id.*, ¶ 18.

26 On July 22, 2025, Counsel for Plaintiffs' again contacted opposing counsel and indicated
 27 that Plaintiffs' intend to amend our Complaint in this action to add Naz Namazi as a party and include
 28 additional causes of action. Plaintiffs' counsel requested that opposing counsel stipulate to amend

1 the Scheduling Order dates by approximately 120 days to allow additional time for Plaintiffs to file
 2 an amended complaint and for both parties to conduct additional discovery on the issue. Plaintiffs
 3 counsel also requested opposing counsel to stipulate to allow Plaintiffs to amend their complaint to
 4 avoid the necessity to file motion and seek leave of court to amend, and requested that opposing
 5 counsel respond no later than July 23, 2024. Id., ¶ 19, Ex. 8.

6 **C. Proposed Amendment to Complaint**

7 In light of these newly discovered facts, Plaintiffs intend to promptly file a Motion for Leave
 8 to Amend the Complaint. The proposed amended complaint will add Namazi as a new defendant,
 9 based on her role in the fraudulent lien scheme and her apparent collaboration with defendant Quinn
 10 (which further evidences the RICO conspiracy alleged). Plaintiffs will allege that Namazi's actions
 11 – filing false liens in multiple jurisdictions – were overt acts in furtherance of the racketeering
 12 enterprise already at issue in this case, and thus she should be held jointly liable under the RICO
 13 cause of action. In addition, the amended complaint will assert new causes of action against the
 14 existing Defendants, including claims for interference with prospective economic advantage,
 15 interference with contract, and for slander of title, abuse of process and/or similar causes of actions,
 16 premised on the filing of public documents that disparage Plaintiffs' title to their property
 17 (patents) without any legal right. Plaintiffs may also add or clarify related claims (for example,
 18 claims under NRS 41.336 et seq. for filing false documents, if applicable, and/or claims for civil
 19 conspiracy) to fully address this course of conduct. All these amendments are directly prompted by
 20 Defendants' new misconduct that just came to light in July.

21 Plaintiffs have acted swiftly and diligently upon discovering the above facts. They have
 22 prepared this motion without delay. Plaintiffs are currently in the process of preparing a First
 23 Amended Complaint and a motion to permit filing of the same. The only obstacle is the timing
 24 relative to the Scheduling Order's deadline. The current deadline to add parties or amend pleadings
 25 is July 29, 2025—literally within a matter of hours. Thus, absent an order extending the Scheduling
 26 Order dates, Plaintiffs' motion for leave to amend would be deemed untimely under the scheduling
 27 order, despite Plaintiffs' diligent discovery of the new evidence and prompt action.

28 Plaintiffs accordingly seek an order extending the scheduling order deadlines by the greater

1 of 120 days from the date of this request or 90 days from an order on counter-defendants Motion to
 2 Dismiss and Motion to Strike (Docs. 56 and 57), ensuring that justice is done on the merits rather
 3 than impaired by technical timing constraints.

4 DISCUSSION

5 A. Local Rule 26-3 Permits an Extension of Scheduling Deadlines

6 Local Rule 26-3 states, in pertinent part:

7 A motion or stipulation to extend any date set by the discovery plan,
 8 scheduling order, or other order must, in addition to satisfying the requirements of
 9 LR IA 6-1, be supported by a showing of good cause for the extension. A motion or
 10 stipulation to extend a deadline set forth in a discovery plan must be received by the
 court no later than 21 days before the expiration of the subject deadline. A request
 made within 21 days of the subject deadline must be supported by a showing of good
 cause... LR 26-3.

11 As detailed below, there is good cause for the request by Plaintiffs within 21 days of the date
 12 for the deadline for amendment of the pleadings.

13 B. Good Cause Exists to Extend the Dates

14 The need to amend the Complaint is a primary issue. Federal Rule of Civil Procedure 6(c)(1)
 15 provides that a written motion must ordinarily be served at least 14 days before the hearing, “unless
 16 a different time is set by court order.” Here, a different time is necessary. The Court has broad
 17 discretion under Rule 6 and its inherent case-management authority to modify briefing schedules
 18 and expedite hearings for good cause. Indeed, “all the Federal Rules of Civil Procedure [are] to be
 19 liberally construed to effectuate the general purpose of seeing that cases are tried on the merits.”
 20 *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1258–59 (9th Cir. 2010) (internal punctuation
 21 removed); see *Rodgers v. Watt*, 722 F.2d 456, 459 (9th Cir. 1983) (“rules are to be construed to
 22 achieve the just determination of every action”). “Good cause” is a non-rigorous standard that has
 23 been construed broadly across procedural and statutory contexts.” *Ahanchian*, 624 F.3d at 1259.

24 As set forth above, the circumstances giving rise to the need to extend Scheduling Order
 25 deadlines, including to amend the complaint were entirely out of Plaintiffs’ control and could not
 26 have been foreseen or raised earlier. Only on July 9, 2025, Plaintiffs first learned a lien had been
 27 filed by Namazi, defendants Quinn and Niya Holdings, LLC (“Niya”) on 44 patents. Flynn Decl. ¶¶
 28 4, 5 and Ex. 1. Plaintiffs had no notice of the liens, prior to July 9, 2025. *Id.*, ¶ 7. These acts could

1 not have been anticipated at the time the Scheduling Order was issued. Because of the severe risk of
 2 economic harm arising from the fraudulently filed liens, counsel took steps to mitigate the damages
 3 by filing a petition with the USPTO on July 18, 2025. Id. ¶ 17, Ex. 7.

4 Rather than burden the court with unnecessary motion practice, counsel for Plaintiffs
 5 attempted to reach a stipulation with defendants and counterclaimants to amend the Scheduling
 6 Order dates by 120 days. Id., ¶ 19. When counsel for defendants and counterclaimants failed to
 7 respond by July 24, 2025, Plaintiffs began preparation of this motion. Flynn Decl. ¶¶ 19, 20, Ex. 8.

8 Plaintiffs have moved with dispatch to bring this to the Court's attention. The timing of the
 9 discovery unfortunately coincides with the expiration of the amendment period, making the
 10 extension of dates unsuitable for a regularly noticed motion. This confluence of events constitutes
 11 good cause for relief. Without an extension of the dates in the Scheduling Order, Plaintiffs risk being
 12 unable to amend their Complaint to address serious newly revealed wrongdoing and being unable to
 13 properly conduct discovery on the apparently ongoing racketeering activities, which would unduly
 14 prejudice Plaintiffs and reward Defendants for concealing their misconduct until Plaintiffs
 15 discovered it at the eleventh hour.

16 Additionally, no party will be prejudiced by such a modification. Defendants' own actions
 17 postdating the filing of this litigation and the Scheduling Order created the need for the proposed
 18 change to the Scheduling Order. Further, the pleadings are not yet complete, as counter-defendants
 19 have Motions to Strike and Dismiss fully briefed and pending. Plaintiffs are simply requesting that
 20 the Court adjust the scheduling in this case to reflect the additional time required by the complexity
 21 of the case and the actions by Defendants taken after issuance of the Scheduling Order. The existing
 22 Defendants, including Niya and Quinn, can hardly claim surprise that Plaintiffs would seek to add
 23 claims/parties and extend the Scheduling Order dates when their new fraud has come to light.
 24 Resolving the scope of the claims and parties now -- before depositions and expert work -- will
 25 promote efficiency and judicial economy. Given the ongoing activities by Defendants that require
 26 discovery, it would unjustly reward Defendants' ongoing bad acts by effectively immunizing those
 27 acts from full discovery. Because the litigation now encompasses acts taking place subsequent to the
 28 issuance of the Scheduling Order, extension of the dates in that order is reasonable.

1 **C. Imminent Deadline and Diligence Satisfy Rule 16's "Good Cause" Standard**

2 Plaintiffs submit that good cause is present under Federal Rule of Civil Procedure 16(b)(4)
 3 as well. The Ninth Circuit has held that "Rule 16(b)"'s 'good cause' standard primarily considers the
 4 diligence of the party seeking the amendment." *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d
 5 604, 609 (9th Cir. 1992).

6 Plaintiffs have been diligent here. They could not have included Namazi or the slander of
 7 title claim earlier, because the factual basis for those amendments postdated the Scheduling Order
 8 and was not known to Plaintiffs until very recently. Once the information was obtained, Plaintiffs
 9 moved expeditiously to mitigate their damages and to prepare this motion. As of the filing of this
 10 motion, no agreement has been reached with opposing counsel regarding stipulating to an extension
 11 of the Scheduling Order dates. Thus, Plaintiffs were forced to file this ex parte motion.

12 In sum, Plaintiffs have demonstrated good cause and compelling circumstances for the Court
 13 to exercise its discretion to extend the Scheduling Order dates. Plaintiffs respectfully request that the
 14 Court grant this motion and issue an order extending the scheduling order deadlines by the greater
 15 of 120 days from the date of this request or 90 days from an order on counter-defendants Motion to
 16 Dismiss and Motion to Strike.

17 **D. Proposed Amended Scheduling Order Dates**

18 Plaintiffs propose the following amended Scheduling Order dates:

ITEM DESCRIPTION	CURRENT DATE	PROPOSED DATE
Initial Disclosures	April 18, 2025	Completed
Fact Discovery Cut-Off	October 27, 2025	February 24, 2026
Amending Pleadings & Adding Parties	July 29, 2025	November 26, 2025
Expert Witness Disclosure	November 26, 2025	March 26, 2026
Rebuttal Expert Disclosure	December 26, 2025	April 27, 2026
Discovery Cut-off	January 26, 2026	May 26, 2026
Dispositive Motion Cut-off	February 25, 2026	June 25, 2026
Joint Pretrial Order	March 27, 2026	July 27, 2026

CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that the Court GRANT this ex parte motion. Plaintiffs specifically ask that the Court issue an order extending the scheduling order deadlines by the greater of 120 days from the date of this request or 90 days from an order on counter-defendants Motion to Dismiss and Motion to Strike.

DATED: July 28, 2025

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